all matters in dispute personally. In most cases, however, the begs 100
are completely illiterate persons, with no notion either of the shariat 696
or of reading and writing. In such cases the decision lies in the hands 693
of their divan-begis, who often simply transact legal business. I was once told how these divan-begis actually manipulate justice by the divan-begi of the Beg of Baysun, who had taken a great liking to me. He told me the following quite candidly. If someone has a dispute which he wants straightened out by the beg, he comes to the divan-begi, explains the affair to him, and meanwhile gives gifts to him as well as for the beg, corresponding to the importance of the case. The gifts may be fruit, silken stuffs, khalats or even a horse and trappings. The divan-begi informs the defendant of the complaint received, and the latter must likewise appear with corresponding gifts in order to explain the affair from his point of view. After the divan-begi has heard the arguments on both sides, and received the gifts both for himself and the beg, he reports to the beg about it, expressing at the same time his humble opinion, depending upon the circumstances, that the plaintiff or the defendant should be considered in the right, for the other brought inferior gifts, thereby disclosing his evil intentions. There, as a rule, the matter ends. It is obvious that under such circumstances a poor man has no chance of coming into his own rights, and must be satisfied with every injustice he suffers from the part of the richer man.

In the capitals, goverened by the khan or emir himself, the ruler 692
makes the ultimate judgments in person, and every subject has the right to turn directly to the khan, that is to say, of course, if he is admitted by the courtiers.

The punishments decreed for the criminals in Central Asian khan- 681
ates before the Russian domination, and to some extent in the independent states to the present day, were distinguished for their severity and fearsomeness. For less serious transgressions the bastonnade, arrest, prison and mutilation were decreed, and for more serious crime the death penalty was required, which was carried out in the various states in six different ways.

The bastonnade is practised by an usher of the court placing himself behind the one to be punished, putting the prisoner's arms over his shoulders and holding him by both hands, while a second man works over the prisoner's stripped back with a cudgel about a meter and a half long and as thick as a man's arm. /213/ Whiplashes too are often used instead of the cudgel. These are administered with the ordinary riding whips or nagaikas, and the prisoner receives half the lashes

681 on his back and half on the belly. This type of punishment is particularly horrible because the recipient is often so maltreated by it that his entrails hang out.

697 The manner in which those sentenced to a longer or shorter prison term must serve their sentence is quite distinctive. In Bayum in 1886 on the occasion of a visit to the Beg, I encountered on a terrace inside the fortress gate six individuals who had undergone the bastonnade the day before at the bazaar. They were accused of stealing and had been sentenced by the Beg to the bastonnade and six months imprisonment. Those under sentence were obliged to spend the entire period of their confinement here on this terrace, under the open sky, during which time the beg did not trouble himself about their maintenance or their guard. The feeding and shelter and the guarding of the prisoners was left to their closest relatives, who pledged with their persons and their property that the prisoners would make no break for freedom. The relatives were thereby forced to remain day and night beside those under arrest to prevent them from escaping. This is by all means the simplest, cheapest and most secure means for the state to dispose of its prisoners under sentence.

Horrible is the fate of those under dungeon sentence for various periods or for life. The native prisons, called zindans, are simple, dark, underground holes in the ground, six to twelve meters deep, which are narrow at the top like a bottle, and are closed over the top with a wooden lid. These prisons make any attempt at escape impossible, and at the same time make it unnecessary to keep a large staff of custodians. The prisoners are lowered into these prisons on ropes, as is the drinking water and the food which is brought them by compassionate souls. These are just the same sort of pits as those used for the storage of grain, and often they simply use empty underground storage rooms and deep dried-up wells as prisons. Anything more horrible than staying in such dungeons would be hard to imagine, and any manner of death would be a kindness compared with the life of such prisoners. These people are provided by the state neither with food not with drink, and if they have no relatives to feed them they are thrown entirely upon the charity of the public, which however, for reasons readily understood, avoids whenever possible such places of horror. It must not have been at all unusual in earlier times for the /214/ prisoners to eat the bodies of their deceased companions in misfortune from sheer hunger. Since the prisons have no ventilation at all, and the excrement of the prisoners and even the bodies of the dead are never removed, one can imagine what odors must collect in such

places, where upward of a dozen people are crammed together, whose 697
smell alone in the great heat would be unbearable. Over and above this, the unfortunates are tormented by an enormous number of bugs, ticks, lice, rats and every other sort of vermin, which in such a favorable and fertile medium, multiply to an unbelievable extent. The inmates of these terrible martyr cells are not always real criminals; the majority is completely innocent, brought here by the whims of the ruler and the intrigues of political enemies, and they are often completely forgotten, and must then breathe their last in this kind of hideous surrounding. The two English travelers, Stoddard and Connolly, who were executed by the Emir Nasr Allah in 1842, must have languished in such prisons in the town of Bukhara before they were executed. The Russians have naturally cleaned out such horrors within their possessions, and use all their influence to make the conditions more humane in the states of Central Asia which are still independent; whether they are successful, no one is in a position to know.

Mutilations must have been employed rather frequently in earlier 681
times in Turkestan as legal punishment, judging by the large number 685
of persons one still saw in my time going about as beggars, with missing noses, hands, or even feet. These punishments were usually applied to thieves, whom they wished to render harmless or at least to single out in this fashion. For this reason most of those punished in this manner are Kazakhs, who see nothing wrong in stealing, but on the contrary consider it an honorable sport. The sedentary population fails to see the joke in this respect. The thieves had their hands cut off at the wrists, the feet were cut off at the ankles, but the noses were cut off as smoothly as though they had never had them. The ears of those who had already been legally punished once or more were slit or cut off as well, depending on the circumstances, and this kind of mutilation formed a kind of penalty list for those concerned in any sort of later conflicts with the law.

Death sentences were employed very often in the Central Asian 681
states, just as in Bukhara until the most recent times theft, adultery, 661
prostitution, and even the use of wine was punishable by death. But the greatest number of victims were always provided by the whim and suspicion /215/ of the rulers, who believed they could strengthen their thrones only by means of cruelty and the destruction of all individuals who were in any way suspicious. One may see from the example of the last Khan of Kokand to what extremes many khans went in this respect. He once ordered 20,000 Kipchaks executed, simply from vexation be-

681 cause until that time he had been under the tutelage of a Kipchak, and
661 this had inconvenienced him. The most ruthless tyrant was unquestionably the Bukharan Emir Nasr Allah who ordered the execution not only of the two Englishmen mentioned above, and the Khan of Kokand Mohammed Ali, but even of his own wife and nearest kin. He filled the prisons with favorites fallen into disfavor and with the highest dignitaries.

681 In Turkestan the commonest manner of execution is by cutting the throat; beheading is, on the other hand, not customary. The executioner places the offender in front of him on the ground, with his hands tied, takes him by the chin with his left hand, and cuts his throat in two with an ordinary table knife. As a rule, ordinary criminals are executed publicly in the bazaar in this manner, and little ceremony is made of it. /Figure 77. Caption: The Mir-Arab Minaret in Bukhara. The place of execution for serious criminals./ The executioner leads the criminals turned over to him into the bazaar, on market days without further escort or preliminaries. /216/ There he himself picks out the most elevated spot possible, and slaughters his victims one after another, exactly the way sheep are slaughtered.

Along with throat-cutting, hanging is also in general use. This is considered, as with us, the most disgraceful manner of death. Those condemned to die by the rope are either hanged over the gateways whic is done especially in the cases of rebels and political criminals as a horrible example, or they are strung up on gallows which are erected permanently in the bazaar squares of every town. The condemned has a rope put around his neck by which he is pulled up in the air and tied fast about a meter above the ground. The native two-wheeled wagons are also often used for hangings when there happen to be no gallows near by. The person to be hung is fastened by a noose to one of the wagon shafts and then the back end of the wagon is pushed down to the ground, whereby the shaft with the person to be hung is speeded upwards. This manner of hanging was used, for example, for those Russians who had the misfortune to fall into the hands of Kokand during the war in 1876 and who refused to be converted to Islam.

In Bukhara, being hurled down from the Minaret of Mir-Arab, shown in Figure 77 (p. 215), is considered the chief punishment. This minaret, which stands in an open square in the center of the town of Bukhara, is built of firebricks and is 52 meters high, the highest tower in all of Central Asia. The gravest criminals are thrown down from the platform of this minaret onto the pavement, which they reach, naturally, only as formless masses. During the stay of the Russian General Matveyev in Bukhara in 1884, a criminal was executed in this manner

whose story I will present here because it is characteristic of the situation in Bukhara. The man in question had stolen a sum of about 100,000 marks from a rich merchant and had absconded with his booty to Afghanistan, the America for all of Central Asia. Since the Emir, for this reason, had no way of taking him into custody, he called two of his secret policemen and ordered them to deliver the thief, dead or alive; if they did not, he would have their throats cut; this is the usual perspective for all those who do not succeed in carrying out the orders of the emir which are often quite impossible to fulfill. The two unlucky detectives started on their way dressed as workers, stopped the thief, who had already bought himself wares and a caravan for the stolen gold, and hired themselves out to him as camel drivers. They had to trot along for several weeks on foot behind their victim until they finally /217/ obtained a favorable opportunity to carry out their plan. Then they fell upon the thief during the night, as he slept in the midst of his armed escort, gagged him, and carried him on their shoulders all the way to the Amu-Darya. Naturally they were in constant danger of death because they dared not allow themselves to be met by the Afghans who would have strung them up without further ado. They could therefore march with their dangerous burden only at night and by roundabout ways, but they finally brought their victim successfully to Bukhara. The Emir sentenced the culprit to death by throat-cutting, but since this form of death did not please the prisoner, he confessed that he had also snatched some property from the wakf. This was pure fabrication, but because of it he was sentenced to the ultimate punishment, to be thrown down from the minaret, which is what he had wished. 681

Shooting is used only rarely, and strangely enough, only against women who are found guilty of adultery, prostitution and the like, or whom the khan, for whatever reasons, wishes to punish or simply to eliminate. These are shot with pistols. Those wives of whom the khans have grown weary are not killed but are given away by the khans to their favorites. Thus, for example, the deposed Khan of Kokand, before his transfer to Orenburg /Chkalov/, divided his numerous harem in Tashkent among his acquaintances. Adulteresses were also stoned in earlier times. To this end they were buried in the ground up to the breast, and then stoned to death by the public with rocks or clods of earth. [684]

Until the introduction of Russian rule in Kokand, impalement was also in use, being carried out in different ways. Either the condemned was simply thrust on a sharpened stake, as was also the custom earlier in Turkey, or he was bound to a two-wheeled wagon, with his legs clasped on the wagon shaft, while the stake was fastened to another

681 wagon, and then by running the two wagons together the condemned was run through the body with full force. Finally the stake with the impaled criminal was planted in the ground.

693 692 Of the earlier institutions of justice, the Russians have kept only the office of the kazi in their Central Asian possessions and even this has undergone certain modifications. They were induced to do this by the fact that it would have been impossible to submit the native Moslems altogether to the regular Russian jurisdiction without infringing profoundly upon their religious views. For these people were accustomed to see all their private disputes and their family affairs adjusted on the basis of the shariat and the Russian judges naturally could not be expected to have a knowledge of this. /218/ The Russian regime, however, renounced the power to nominate the kazis, who earlier had been appointed by the representatives of the state power, and left the choice to the common people. The Russian administration requires only that those chosen as kazis must all be persons over twenty-five years of age, of good reputation and never convicted. The special certificate of qualification which had formerly been required is no longer asked of the kazis. The kazis, like the aksakals are still generally elected for a definite period of years. The office of kazi-kalyan or chief justice has been abolished and all the kazis have the same rank. Each is assigned a special district, within which only the duly qualified kazi has the right to exercise judicial and notary functions. In the town of Tashkent, the number of kazis has been established at four, corresponding to the four old town quarters. The establishment of the kazi's salary or other income from his appointment, in the form of fees or taxes, has likewise been left by the regime to the common people. The kazis decide now as they did before all the disputes of the natives where the sum involved does not exceed 200 marks, and can also decide minor misdemeanors; thus, as judges, their sphere of action is similar to that of a Russian justice of the peace. More important disputes are settled by an assembly of all the kazis in a district. Criminal cases are judged by the regular Russian common law, just as are all disputes between Russians and natives. Moreover, it is left to the discretion of the natives to turn in all their affairs to the Russian jurisdiction, if they prefer.

681 Capital punishment has been abolished in Russia since the rule of the Empress Elizabeth, and all, even the most serious criminals, excepting only those guilty of high treason, are sentenced to deportation to Siberia (most recently also to the island of Sakhalin) and to forced labor. This law holds also for the Central Asian possessions of

Russia. Only those natives guilty of rebellion or the murder of Russian officials and officers can be sentenced to death by the rope or by shooting, by court-martial, instituted each time 'ad hoc'. The decisions at these court-martials, which always consist of five army officers and an auditor, must still be confirmed by the Governor General. During my fifteen years in Tashkent, there were only three such cases, of which the first two occurred during the Kokand uprising in 1876. This is an honorable record for the Russians and the natives alike. 681 [687] [698]

9. System of Instruction.

The system of instruction among the sedentary population of Turkestan is highly developed and the number of schools is very large, although education is a private matter, and the native governments provide neither for the erection of schools nor for the salaries of teachers. In Turkestan there are two classes of schools, elementary schools or 'mekhtebes', and higher schools or medreses. 871 /210/

The teachers in the elementary schools are mullahs, just as in the higher schools. In each elementary school there is only one teacher who instructs the students of all ages in one and the same place. These teachers receive no fixed salary. Their entire income consists in the school fees which the students bring them voluntarily, which, however, are never more than a mark a year at most, and in occasional gifts of provisions, which they receive every Thursday, and festive clothes which they receive from the parents of their students at the time of the high Moslem festivals. There is a special custom that the father of a boy presents the teacher with a khalat when the boy has progressed far enough to start reading the Koran. 872 875

There are no real schoolhouses. In winter instruction is held either in the dwelling of the teacher, in an ordinary, unheated, windowless chamber, lighted only by the open door, or, if the teacher does not have a large enough place at his disposal it is held in the appropriate mosque. 872

In summer, on the contrary, the instruction is usually held outside on a veranda, in a shaded courtyard or in a garden. School attendance is not obligatory, as a result of which the schools are frequented primarily only by the children of the rich. The majority of the students are boys, but there are some girls among them, especially from the better classes, who receive elementary education as well.